

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DISTRICT OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2019 JUL -1 PM 2:14

DEPUTY CLERK ER

UNITED STATES OF AMERICA

v.

NO. 3:19-CR-318

SANJAY NANDA (01)

8-19CR-318-K

FACTUAL RESUME

In support of Sanjay Nanda's plea of guilty to the offense in Count One of the Information, Nanda, the defendant, Robert R. Smith, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Information, charging a violation of 18 U.S.C. § 1343, that is, Wire Fraud, the government must prove each of the following elements beyond a reasonable doubt:¹

- First:* That the defendant knowingly devised or intended to devise any scheme to defraud, that is, a scheme to defraud Sabre Corporation of money and property through the submission of invoices falsely and fraudulently claiming payment for services rendered by Sadak Ventures, LLC;
- Second:* That the scheme to defraud employed false material pretenses and representations;
- Third:* The defendant transmitted or caused to be transmitted by way of wire communications, in interstate and foreign commerce, writings, signs, and signals, or the purpose of executing such scheme; and

¹ Fifth Circuit Pattern Jury Instruction 2.57 (5th Cir. 2015).

Fourth: The defendant acted with a specific intent to defraud.

STIPULATED FACTS

On or about September 11, 2015, in the Dallas Division of the Northern District of Texas, and elsewhere, the defendant, Sanjay Nanda, for the purpose of executing and carrying out a scheme and artifice to defraud, and for obtaining money and property by means of false material and fraudulent pretenses, representations, and promises, and attempting to do so, did knowingly, and with intent to defraud, cause to be transmitted in interstate commerce by means of wire and radio communication, certain writings, signs, signals and sounds, specifically, instructions to pay \$249,900.00 to a Wells Fargo Bank account in the name of Sadak LLC, originating from a computer located in Southlake, Texas, on or about this date, and sent to an e-mail account hosted on a server in Oklahoma.

Specifically, during the period September 2011 through October 2015, Sabre GLBL, Inc. ("Sabre") was in the business of developing and selling technology-based products and services to the global travel industry. Sabre's global headquarters was located at 3150 Sabre Drive, Southlake, Texas, in the Northern District of Texas. During this time period, Sabre processed payments to vendors using an enterprise application hosted on a server situated in Oklahoma. From on or about July 8, 2010, to on or about October 17, 2015, the defendant, Sanjay Nanda ("Nanda"), was employed by Sabre as Senior Vice-President of Airline Solutions. In this position, Nanda had the

authority to hire consultants and to approve invoices for payment. Nanda's office was located at Sabre's headquarters; he resided in Irving, Texas.

Prior to December 2011, Nanda had opened up Advantage Business Checking Account No. xxxxxx7489 at a Wells Fargo Bank branch located in Georgia. Nanda was the sole signatory on the account.

The object of Nanda's scheme was to embezzle money from Sabre by creating invoices from a fictitious vendor called Sadak Ventures, LLC, for consulting services that were never performed for or on behalf of Sabre, and then submitting the fictitious invoices to Sabre for payment, causing the company financial system to issue unauthorized payments that were wired to an account under Nanda's control, and to use the embezzled money for personal expenses.

In or about February 2005, Nanda registered Sadak Ventures LLC as a company in Georgia. In or about June 2010, Nanda paid back taxes owed by the company and petitioned the Georgia Secretary of State to reinstate the company. Nanda also used the e-mail address "sadak.gxxxxe@gmail.com" for the purpose of executing the scheme.

Additionally, with the intent to further the fraud scheme, Nanda created a Master Professional Services Agreement between Sabre and Sadak LLC under the terms of which Sadak agreed to perform various consulting services for Sabre in return for payment. Nanda signed the contract on behalf of Sabre, and signed the contract as "V.G.," purporting to be a principal of Sadak.

Starting on or about September 1, 2011, and continuing through on or about September 30, 2015, Nanda created false and fictitious Sadak invoices claiming the

company performed consulting services work for Sabre during a specified period of time, and requesting payment of a designated amount for that work. Nanda created the false invoices at his residence in Irving, Texas, and then hand- delivered them to Sabre employees, knowing and intending that the employees would submit the invoices for payment. Without authorization and contrary to the best interests of Sabre, Nanda approved the false and fictitious invoices for payment, attesting that they were authentic, valid invoices for work performed by Sadak. Nanda approved the Sadak invoices for payment in the same manner he approved valid, authentic invoices, intending to mislead any Sabre employees or agents reviewing the company financial records into believing that the Sadak invoices were authentic. Nanda further admits that he concealed material information from Sabre officials and employees, specifically, that he had created, submitted, and approved for payment false and fraudulent invoices in the name of Sadak, and that he registered and controlled Sadak.

After approving the invoices, Nanda submitted or caused other Sabre employees located at Sabre headquarters to submit the approved invoices by e-mail to an e-mail account associated with the company's Accounts Payable ("AP") Department. Nanda concedes and does not dispute that the government can prove the e-mails submitting the approved invoices traveled from the computers located in the Northern District of Texas to an AP e-mail account hosted on a server located in Oklahoma. Nanda sent the invoices, or caused the invoices to be sent, knowing and intending that when they were received in the AP account, Sabre employees, in the normal course of business, would enter the pertinent invoice data into the company's enterprise payment application; and

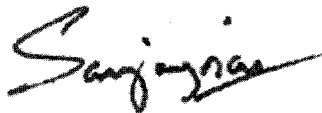
knowing and intending that once entered into this application, payment in the form of a check (payable to Sadak LLC) or an ACH payment (routed to Wells Fargo Account No. xxxxxx7489), would issue approximately one to two weeks later from a Sabre bank account.

Nanda further admits and concedes that (1) on or about August 11, 2015 he created at his Irving residence Sadak Invoice No. 960 claiming \$249,900.00 for consulting services performed by Sadak for Sabre between July 16, 2015, and August 11, 2015; (2) he hand-carried this invoice from his residence to his office in Sabre headquarters; (3) on or about September 11, 2015, he approved the invoice for payment, knowing at the time that it was false and fictitious and claimed payment for work that was never done; (4) to have the invoice paid, he sent or caused others to send an e-mail containing the invoice from a computer at Sabre headquarters to the AP e-mail account hosted on a server in Oklahoma; and (5) on or about September 16, 2015, \$249,900.00 was wired from a Sabre bank account to Wells Fargo Bank Account No. xxxxxx7489.

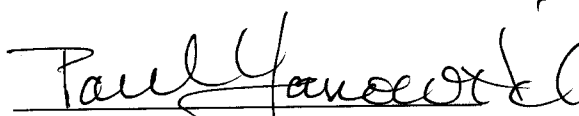
Nanda agrees that he committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support his guilty plea to Count One of the Information.

AGREED TO AND SIGNED this ^{28th} ^{June} day of ~~May~~ 2019.

ERIN NEALY COX
UNITED STATES ATTORNEY



SANJAY NANDA
Defendant



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